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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GLENN E. LEONARD,

Plaintiff,

v.

COLLETTE PETERS, Director of the Oregon
Department of Corrections; DAVE PEDRO,
Former Operations Captain at Two Rivers
Correctional Institution, [] ARCHER, Former
Correctional Lt. at Two Rivers Correctional
Institution; STEVE BRUCE, Former T.R.C.I.
Housing Sgt.;

Defendants.

Case No. 2:18-cv-00893-AC

DEFENDANTS' ANSWER TO PLAINTIFF'S
COMPLAINT AND AFFIRMATIVE
DEFENSES

JURY TRIAL DEMANDED

Colette S. Peters, David Pedro, Adam Archer, and Steven Bruce, respond to plaintiff's
Complaint and admit, deny, and allege as follows:

1.

Admit that Colette S. Peters is the Governor appointed Director of the Oregon
Department of Corrections (ODOC).

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2.

Admit that ODOC employs David Pedro as Assistant Superintendent of Security at Eastern Oregon Correctional Institution (EOCI) located in Pendleton.

3.

Admit that ODOC employs Adam Archer as a Correctional Captain at the Two Rivers Correctional Institution (TRCI) located in Umatilla.

4.

Admit that ODOC employs Steven Bruce as a Correctional Sergeant at TRCI.

5.

Admit that plaintiff, Leonard Glenn, SID #6652617, is an adult most recently admitted to the custody of ODOC on August 23, 2007, is currently housed at TRCI, and has an earliest release date of July 7, 2040.

6.

Except as expressly admitted herein, defendants lack sufficient information to respond to the remaining allegations in plaintiff's Complaint and therefore deny them.

7.

Defendants demand a jury trial on those claims for which a jury trial is available.

FIRST AFFIRMATIVE DEFENSE:
(Qualified immunity)

8.

Defendants incorporate herein the admissions, denials, and allegations set forth above.

9.

Defendants allege that at all times relevant to plaintiff's Complaint, they were acting in good faith and within their discretion pursuant to the laws and statutes of the State of Oregon and the United States, and defendants' conduct violated no clearly established statutory or constitutional rights of which a reasonable official would have knowledge.

SECOND AFFIRMATIVE DEFENSE:
(Failure to state a claim)

10.

Defendants incorporate herein the admissions, denials and allegations set forth above.

11.

Defendants allege that plaintiff has not been deprived of any right, privilege, or immunity secured by the Constitution, the laws of the United States or the State of Oregon and therefore fails to state a claim under 42 U.S.C. §1983.

THIRD AFFIRMATIVE DEFENSE
(Prison Litigation Reform Act)

12.

Defendants incorporate herein the admissions, denials and allegations set forth above.

13.

Defendants assert all provisions of the Prison Litigation Reform Act, including the provision requiring exhaustion of administrative remedies, to plaintiff's claims.

14.

Defendants reserve the right to assert additional defenses as may become known to them through investigation and discovery.

FOURTH AFFIRMATIVE DEFENSE:
(Eleventh Amendment Immunity)

15.

Defendants incorporate herein the admissions, denials and allegations set forth above.

16.

The State of Oregon must be substituted for plaintiff's claims to the extent they are alleged under the Oregon Constitution. Once substituted, the State of Oregon should be dismissed pursuant to the Eleventh Amendment to the United States Constitution.

WHEREFORE, defendants pray for judgment herein denying plaintiff relief and granting defendants their costs, disbursements and attorney fees incurred in the defense hereof.

DATED September 13, 2018.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/ Shannon M. Vincent
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Of Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on September 13, 2018, I served the foregoing DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT AND AFFIRMATIVE DEFENSES upon the parties hereto by the method indicated below, and addressed to the following:

Glenn Elliott Leonard
SID #6652617
Two Rivers Correctional Institution
82911 Beach Access Rd
Umatilla, OR 97883
Pro Se

☐ HAND DELIVERY
☒ MAIL DELIVERY
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)
☐ E-MAIL
☐ E-SERVE

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